

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DIANE ROSE DANDURAND

RESPONDENT,

v.

KEVIN EUGENE UNDERWOOD

APPELLANT.

DOCKET NUMBER WD72202

DATE: February 22, 2011

Appeal From:

Johnson County Circuit Court
The Honorable Owens L. Hull, Jr., Judge

Appellate Judges:

Division Three: Cynthia L. Martin, Presiding Judge, James E. Welsh and Gary D. Witt, Judges

Attorneys:

J. Kirk Rahm, Warrensburg, MO, for respondent.

Larry V. Swall, Liberty, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

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Before Division Three Judges: Cynthia L. Martin, Presiding Judge, James E. Welsh and Gary D. Witt, Judges

Kevin Eugene Underwood and Diane Rose Dandurand were divorced in Kansas in 1991. Pursuant to the divorce decree, Father was to pay monthly child support for his two minor children until further order of the court. Mother and children moved to Missouri in 1992, and registered the divorce decree in Missouri in 1996. The decree was modified by Missouri courts on three separate occasions. In 2009, following his youngest child's eighteenth birthday, Father filed a motion to terminate child support. This motion was denied.

In Father's sole point on appeal, he maintains that trial court erred in denying his motion to terminate child support because the Uniform Interstate Family Support Act (UIFSA) prohibited the trial court from modifying child support beyond the durational limits set by Kansas law. In the alternative, Father argues that the trial court was required to apply Kansas law in order to afford the divorce decree full faith and credit.

AFFIRMED.

Division Three holds:

(1) Although Section 454.973(c) of UIFSA provides that "[a] tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state," UIFSA does not apply to decrees first filed or received in Missouri before January 1, 1997. The Kansas decree was first filed or received in Missouri before January 1, 1997, and is not subject to UIFSA.

(2) The Full Faith and Credit Clause does not require rigid enforcement of a judgment from an originating State without regard to the interests of the sister State.

(3) Under the facts of this case, Missouri's interests in protecting the welfare of its resident children outweigh the interest of Kansas in protecting its sovereignty. It was not error for the trial court to deny Father's motion to terminate child support.

Opinion by: Cynthia L. Martin, Judge

February 22, 2011

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